

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Federal Trade Commission,

NO. C 07-05758 JW

Appellant.

**ORDER GRANTING APPELLANT'S  
MOTION FOR ACCELERATED  
HEARING ON MOTIONS**

v.

The Billing Resource d/b/a Integretel,

Appellee,

Presently before the Court is the Federal Trade Commission's ("FTC" or "Appellant") Motion for Accelerated Consideration of its Motion to Stay Pending Appeal of the Bankruptcy Court's November 27, 2007 Preliminary Injunction. (hereafter, "Motion," Docket Item No. 30.)

The FTC brought a law enforcement action against The Billing Resource d/b/a Integretel ("Integretel") and others in the Southern District of Florida (the "Florida Action"). (Motion ¶ 1.) Following a pre-trial order by the Florida court requiring Integretel to pay certain amounts to a receiver, Integretel filed for bankruptcy in the Northern District.<sup>1</sup> Integretel then initiated an adversary proceeding against the FTC in the Bankruptcy Court. (*Id.*) On November 8, 2007, the Bankruptcy Court issued a preliminary injunction preventing the FTC from prosecuting the Florida

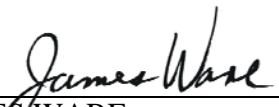
<sup>1</sup> (Plaintiff-Appellee The Billing Resource, dba Integretel's Memorandum in Opposition to FTC's Motion for Stay Pending Appeal Re Injunction Issued November 27, 2007 at 6, hereafter, "Opposition," Docket Item No. 36.)

1 action against Integretel. (See Docket Item No. 1.) The Bankruptcy Court denied the FTC's motion  
2 to stay the injunction pending appeal. (Id.)

3 On November 14, 2007, the FTC appealed the injunction to the Northern District of  
4 California. (Id.) The case was assigned to Judge Whyte. (Id.) On November 30, 2007, the FTC  
5 filed a motion to stay the preliminary injunction pending appeal. (See Docket Item No. 13.) The  
6 motion was set to be heard on January 4, 2008. On December 6, 2007, Judge Whyte recused himself  
7 from the case. (See Docket Item No. 27.) The matter was reassigned to this Court with all previous  
8 calendared events vacated. (See Docket Item No. 28.)

9 The FTC now moves the Court to accelerate consideration of its pending motion to stay.  
10 (Motion at 2.) For good cause, the Court grants FTC's motion. FTC's Motion to Change Venue and  
11 Motion to Stay shall be heard on **February 4, 2008 at 9 A.M.**

12  
13 Dated: January 3, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: January 3, 2008**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**